

**SUPREME COURT MINUTES
WEDNESDAY, JUNE 23, 2004
SAN FRANCISCO, CALIFORNIA**

S049389

PEOPLE v. LENART (THOMAS H.)
Rehearing denied

S111494

D037680 Fourth Appellate District,
Division One

PEOPLE v. KONOW
Rehearing denied

Brown, J., is of the opinion the opinion should
be modified.

S112443

A095412 First Appellate District,
Division Four

PEOPLE v. TAYLOR
Rehearing denied

Kennard, J., is of the opinion the petition should
be granted.

S104477

G026626 Fourth Appellate District,
G027036 Division Three

GAVALDON v. DAIMLERCHRYSLER CORP.
Opinion modified - no change in judgment

S123832

C043716 Third Appellate District

AGUA CALIENTE BAND OF CAHUILLA INDIANS
v. S.C. (FAIR POLITICAL PRACTICES COMM)
Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegar, Chin, Brown, and Moreno, JJ.

S123951

C042504 Third Appellate District

WELLS v. ONE2ONE LEARNING FOUNDATION
(STATE OF CALIFORNIA)
Petition for review granted

Request for judicial notice granted.

Votes: George, C.J., Baxter, Brown, and
Moreno, JJ.

S124195

C042944 Third Appellate District
C042947
C042948

CALIFORNIA STATEWIDE COMMUNITIES DEV.
AUTHORITY v. ALL PERSONS INTERESTED, etc.
Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegarr, Chin, Brown, and Moreno, JJ.

S124739

A101477 First Appellate District,
Division Two

KEARNEY v. SALOMON SMITH BARNEY INC.
Petition for review granted

Votes: George, C.J., Kennard, Werdegarr, Chin,
and Moreno, JJ.

S123720

E032032 Fourth Appellate District,
Division Two

VAN HOUTEN (LESLIE) ON H.C.
Petition for review & depublication request denied

Brown, J., was recused and did not participate.

S124021

F045212 Fifth Appellate District

MITCHEL-TREE v. S.C. (TOVAR)
Petition for review denied

S124066

A103502 First Appellate District,
Division One

PEOPLE v. MARTINEZ
Petition for review denied

S124068

A101788 First Appellate District,
Division Two

KEITEL v. HEUBEL
Petition for review & publication request denied

S124155

B168139 Second Appellate District,
Division Two

K. (MELINDA) v. S.C. (DEPARTMENT OF
CHILDRENS & FAMILY SVCS.)
Petition for review & depublication request denied

S124171

H026021 Sixth Appellate District

PEOPLE v. MAYS
Petition for review denied

S124176

B162930 Second Appellate District,
Division Five

PAVELOCK v. KIZIRIAN
Petition for review denied

S124225

E035582 Fourth Appellate District,
Division Two

SOOTER v. S.C. (PEOPLE)

Petition for review and application for stay denied

S124230

E032557 Fourth Appellate District,
E033447 Division Two

SALAZAR v. UPLAND POLICE DEPARTMENT

Petition for review denied

S124263

B159982 Second Appellate District,
Division One

DONABEDIAN v. MERCURY INSURANCE

Petition for review & depublication requests denied

Chin, J., was recused and did not participate.

S124284

C042007 Third Appellate District

FONG v. WESTLY

Petition for review denied

S124289

A097011 First Appellate District,
A101881 Division Two
A101927

PEOPLE v. CONWELL

Petitions for review denied

S124304

H023779 Sixth Appellate District

PEOPLE v. RUIZ

Petition for review denied

S124322

D041207 Fourth Appellate District,
Division One

TADLOCK v. SOUTHWESTERN YACHT CLUB

Petition for review denied

S124341

F041935 Fifth Appellate District

PEOPLE v. VILLAGOMEZ

Petition for review denied

S124355

B163961 Second Appellate District,
Division One

PEOPLE v. TANELIAN

Petition for review denied

S124363

B168491 Second Appellate District,
Division Eight

PEOPLE v. JOHNSON

Petition for review denied

S124389

D041251 Fourth Appellate District,
Division One

DAVIDSON COSCAN PARTNERS v. UNITED
STATES FIDELITY AND GUARANTEE CO.
Petition for review denied

S124390

H026654 Sixth Appellate District

WALTON (DOUGLAS EUGENE) ON H.C.
Petition for review denied

S124392

G033359 Fourth Appellate District,
Division Three

MACPHEE v. S.C. (PEOPLE)
Petition for review denied

S124399

D043721 Fourth Appellate District,
Division One

OWINO (SYLVESTER O.) ON H.C.
Petition for review denied

S124451

F041024 Fifth Appellate District

PEOPLE v. EMBRY
Petition for review denied

S124452

G030455 Fourth Appellate District,
Division Three

PEOPLE v. RODRIGUEZ
Petition for review denied

S124580

G026504 Fourth Appellate District,
Division Three

O'CONNOR AGENCY INC. v. BRODKIN
Petition for review denied

S124655

B173485 Second Appellate District,
Division Seven

COUNTY OF LOS ANGELES v. WCAB (REID)
Petition for review denied

S124675

G027919 Fourth Appellate District,
Division Three

M. (EMILIANO), IN RE
Petition for review & publication request denied

Kennard, J., and Werdegar, J., are of the opinion
the petition should be granted.

S124689

B164489 Second Appellate District,
Division Five

PEOPLE v. WYNNE
Petition for review denied

S124705

A100984 First Appellate District,
Division Five

PEOPLE v. BUENO

Petition for review denied

S124708

H025942 Sixth Appellate District
H026205
H026300

G. (DAVID) IN RE

Petition for review denied

S124727

B164263 Second Appellate District,
B171001 Division Three

PEOPLE v. MARTINEZ

Petition for review denied

S124737

B162518 Second Appellate District,
Division Five

PEOPLE v. MEEKS

Petition for review denied

S124738

E032363 Fourth Appellate District,
Division Two

S. ARTURO, IN RE

Petition for review denied

S124756

H026205 Sixth Appellate District
H025942
H026202

G. (DAVID), IN RE

Petition for review denied

S124797

D040808 Fourth Appellate District,
Division One

BURROWS v. QUALCOMM INC.

Petition for review denied

S124814

H025033 Sixth Appellate District

PEOPLE v. BUTLER

Petition for review denied

S124820

F042521 Fifth Appellate District

PEOPLE v. HUNTER

Petition for review denied

S124821

F042967 Fifth Appellate District

KIM v. SOUTHERN SIERRA COUNCIL BOY
SCOUTS OF AMERICA

Petition for review denied

S124822

H025766 Sixth Appellate District

KOVACS v. PRITCHARD

Petition for review denied

S124824

F043350 Fifth Appellate District

PEOPLE v. SANTILLAN

Petition for review denied

S124827B167085 Second Appellate District,
Division Three

PEOPLE v. ALLBECK

Petition for review denied

S124829B174472 Second Appellate District,
Division Two

VERNON v. S.C. (PEOPLE)

Petition for review denied

S124835B164741 Second Appellate District,
Division Seven

MACHTINGER v. AVENUE OF THE STARS

Petition for review denied

S124836

F043283 Fifth Appellate District

PEOPLE v. RAMOS

Petition for review denied

S124838G031296 Fourth Appellate District,
Division Three

PEOPLE v. LIAVAA

Petition for review denied

S124844E033987 Fourth Appellate District,
Division Two

PEOPLE v. YOUNG

Petition for review denied

S124849

F041516 Fifth Appellate District

PEOPLE v. ARNOLD

Petition for review denied

S124850A106253 First Appellate District,
Division Four

WOODS (EARNEST C.) ON H.C.

Petition for review denied

S124859

B169934 Second Appellate District,
Division Five

PEOPLE v. RODARTE

Petition for review denied

S124861

A102565 First Appellate District,
Division Five

PEOPLE v. WOODS

Petition for review denied

S124862

F042166 Fifth Appellate District

PEOPLE v. GONZALEZ

Petition for review denied

S124867

F043460 Fifth Appellate District

O. (JAMIE)IN RE

Petition for review denied

Request for judicial notice denied.

S124868

B171880 Second Appellate District,
Division Five

PEOPLE v. COUCH

Petition for review denied

S124869

B163214 Second Appellate District,
Division Four

RANGEL v. WILLIAMS

Petition for review denied

Kennard, J., and Werdegar, J., are of the opinion
the petition should be granted.

S124876

F043225 Fifth Appellate District

PEOPLE v. BOWLIN

Petition for review denied

S124877

G031543 Fourth Appellate District,
Division Three

PEOPLE v. PERRY

Petition for review denied

S124880

F042072 Fifth Appellate District

PEOPLE v. AVILA

Petition for review denied

S124881

B164949 Second Appellate District,
Division Seven

PEOPLE v. WINBUSH

Petition for review denied

S124882
F042585 Fifth Appellate District

PEOPLE v. BECK (JOSHUA E.)
Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

S124884
F042553 Fifth Appellate District

PEOPLE v. BECK (JOSHUA E.)
Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

S124885
F042589 Fifth Appellate District

PEOPLE v. BECK (JOSHUA E.)
Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

S124889
F040413 Fifth Appellate District

ALLEN v. VEGA
Petition for review denied

S124890
C042710 Third Appellate District

GLAHN & HIRSCHFIELD v. TAYLOR
Petition for review denied

S124893
E035522 Fourth Appellate District,
Division Two

MARTIN v. MONTES
Petition for review denied

Werdegar, J., was recused and did not participate.

S124894
F042507 Fifth Appellate District

PEOPLE v. NAVA
Petition for review denied

S124896
C043371 Third Appellate District

PEOPLE v. METCALF
Petition for review denied

S124899
B164593 Second Appellate District,
Division Three

PEOPLE v. WILLIAMS
Petition for review denied

S124900

G032005 Fourth Appellate District,
Division Three

PEOPLE v. RUIS

Petition for review denied

S124901

B165441 Second Appellate District,
Division Two

PEOPLE v. TALAMANTES

Petition for review denied

S124905

B164251 Second Appellate District,
Division Four

PEOPLE v. QUIMIRO

Petition for review denied

S124908

B160679 Second Appellate District,
Division Seven

PEOPLE v. HEMINGWAY

Petition for review denied

S124909

F042233 Fifth Appellate District

PEOPLE v. APSIT

Petition for review denied

S124911

A102039 First Appellate District,
Division Two

S. (STEVEN), IN RE

Petition for review denied

S124912

F044149 Fifth Appellate District

R. (ROGER), IN RE

Petitions for review denied

S124915

H026302 Sixth Appellate District

H. (ISMAEL), IN RE

Petition for review denied

S124917

A102801 First Appellate District,
Division One

PEOPLE v. TUCKER

Petition for review denied

S124922

B164995 Second Appellate District,
Division Four

GONZALEZ v. MONY LIFE (CASILLAS)

Petition for review denied

S124925

H026036 Sixth Appellate District

PEOPLE v. RAMIREZ (ARTEMIO)

Petition for review denied

S124926

H025803 Sixth Appellate District

PEOPLE v. OROZCO

Petition for review denied

S124928E033056 Fourth Appellate District,
Division Two

PEOPLE v. WILLIAMS

Petition for review denied

S124933

C042607 Third Appellate District

PEOPLE v. POST

Petition for review denied

S124937E035733 Fourth Appellate District,
Division Two

STREET v. S.C. (GUARANCHIA)

Petition for review denied

S124939

H026136 Sixth Appellate District

PEOPLE v. WASHINGTON

Petition for review denied

S124952B165116 Second Appellate District,
Division Six

PEOPLE v. SANCHEZ

Petition for review denied

S124953B167876 Second Appellate District,
Division Four

S. (JOSIAH), IN RE

Petition for review denied

S124961G032008 Fourth Appellate District,
Division Three

PEOPLE v. MORALES

Petition for review denied

S124968B160379 Second Appellate District,
Division Three

PEOPLE v. DUNCAN

Petition for review denied

S124977

D041774 Fourth Appellate District,
Division One

PEOPLE v. BARKER

Petition for review denied

S124978

A098177 First Appellate District,
Division Five

PEOPLE v. DAVIS

Petition for review denied

S124979

G031560 Fourth Appellate District,
Division Three

PEOPLE v. RANDALL

Petition for review denied

S124984

H025835 Sixth Appellate District

PEOPLE v. PERRY

Petition for review denied

S124989

E033739 Fourth Appellate District,
Division Two

PEOPLE v. MILLER

Petition for review denied

S125002

A104039 First Appellate District,
Division Four

PEOPLE v. POWELL

Petition for review denied

S125003

B167191 Second Appellate District,
Division Six

PEOPLE v. BALLARD

Petition for review denied

S125004

C040902 Third Appellate District

PEOPLE v. GUDINO

Petition for review denied

S125007

B168673 Second Appellate District,
Division One

PEOPLE v. FOXWORTH

Petition for review denied

S125009

D042063 Fourth Appellate District,
Division One

PEOPLE v. LOCKE

Petition for review denied

S125020

B174309 Second Appellate District,
Division Two

REED v. S.C. (INTUITIVE SOLUTIONS INC.)
Petition for review denied

S125028

F043272 Fifth Appellate District

G. (JORGE), IN RE
Petition for review denied

S125031

B167236 Second Appellate District,
Division Five

PEOPLE v. GREEN
Petition for review denied

S125036

B173548 Second Appellate District,
Division One

SUPERIOR INDUSTRIES v. WCAB (GALVEZ)
Petition for review denied

S125064

B165581 Second Appellate District,
Division Eight

PEOPLE v. GOODEN
Petition for review denied

S125079

E034644 Fourth Appellate District,
Division Two

M. (L.), IN RE
Petition for review denied

S125107

C046174 Third Appellate District

WILLIS v. WCAB (DMV)
Petition for review denied

S125128

B159339 Second Appellate District,
Division Three

SCHNEIDER v. BOEING NORTH AMERICAN CO.
Petition for review denied

Baxter, J., was recused and did not participate.

S125146

C046808 Third Appellate District

LYONS v. S.C. (PEOPLE)
Petition for review denied

S125313

A106597 First Appellate District,
Division Five

MAGEE v. S.C. (PRICE)
Petition for review and application for stay denied

S125393D044369 Fourth Appellate District,
Division One

BRAUN v. S.C. (PEOPLE)

Petition for review and application for stay denied

S116126

GOVIND (DANIEL H.) ON H.C.

Petition for writ of habeas corpus denied

S118370

WEST (ANDREW L.) ON H.C.

Petition for writ of habeas corpus denied

S118917

UIPI (FILIA) ON H.C.

Petition for writ of habeas corpus denied

S118925

LEWIS (GREGORY WAYNE) ON H.C.

Petition for writ of habeas corpus denied

S118978

BARNETT (DELBERT R.) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)**S118980**

HARRIS (ERWIN) ON H.C.

Petition for writ of habeas corpus denied

S118982

PADILLA (LARRY D.) ON H.C.

Petition for writ of habeas corpus denied

S118985

RODRIGUEZ (JUAN G.) ON H.C.

Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709.)**S118986**

ZANINI (VIRGILLO R.) ON H.C.

Petition for writ of habeas corpus denied

S119023

DUNNIGAN (CARLOS) ON H.C.

Petition for writ of habeas corpus denied

S119037

CROWL (JOHNNY R.) ON H.C.
Petition for writ of habeas corpus denied

S119077

MARTINEZ (ADOLFO) ON H.C.
Petition for writ of habeas corpus denied

S119089

BARTHOLOMEW (KEVIN) ON H.C.
Petition for writ of habeas corpus denied

S119122

BRUCE (WILLIAM S.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

S119137

BROWN (GARLAND M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S119148

LOTT (JAMES) ON H.C.
Petition for writ of habeas corpus denied

S119154

MATHIS (ANTHONY E.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

S119171

LIU (ZHUO) ON H.C.
Petition for writ of habeas corpus denied

S119179

SAMUEL (DAVID T.) ON H.C.
Petition for writ of habeas corpus denied

S119226

GORDON (ANTHONY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Lessard* (1965) 62 Cal.2d 497, 503;
In re Dixon (1953) 41 Cal.2d 756.)

S119232

KOŁODZIEJ (KEVIN JON) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;
In re Swain (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S119233

JIMENEZ (JOSUE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S119242

JIMENEZ (ARTURO A.) ON H.C.
Petition for writ of habeas corpus denied

S119266

COOPER (TRAMAINE H.) ON H.C.
Petition for writ of habeas corpus denied

S119350

THROOP (EDWARD A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

S119361

WASHINGTON (JAMES) ON H.C.
Petition for writ of habeas corpus denied

S119386

VELARDE (ARTURO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

S119401CHRISTENSON (JOSHUA) ON H.C.
Petition for writ of habeas corpus denied**S119404**ANDRADE (LIBER) ON H.C.
Petition for writ of habeas corpus denied**S119408**HOGAN (BRIAN CORNELL) ON H.C.
Petition for writ of habeas corpus denied**S119410**RAMIREZ (ENRIQUE) ON H.C.
Petition for writ of habeas corpus denied**S119411**MEDRANO (JESUS) ON H.C.
Petition for writ of habeas corpus denied**S119414**MARTINEZ (MARCO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S119416MCCLOUD (CHARLES L.) ON H.C.
Petition for writ of habeas corpus denied**S119430**GONZALES (ROBERT A.) ON H.C.
Petition for writ of habeas corpus denied**S119435**JAMES (TEDDY) ON H.C.
Petition for writ of habeas corpus denied**S119445**ALLEN (RICARDO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

S119452

NELSON (FLOYD H.) ON H.C.
Petition for writ of habeas corpus denied

S119456

CHANTHA (NHIM) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S119507

FOWLER (JASON) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S119510

RAMIREZ (ENRIQUE) ON H.C.
Petition for writ of habeas corpus denied

S119514

GOVIND (DANIEL H.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

S119567

MOJICA (OCTAVIO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

S119571

LEWIS (LESTER) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S119996

BRAGG (ANDRE M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Dixon* (1953) 41 Cal.2d 756; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S120241

GOVIND (DANIEL H.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

S120245

GOVIND (DANIEL H.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

S120691

NELSON (FLOYD H.) ON H.C.
Petition for writ of habeas corpus denied

S120836

GORDON (ANTHONY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Lessard* (1965) 62 Cal.2d 497, 503; *In re Dixon* (1953) 41 Cal.2d 756.)

S121056

ROBERTS (MICHAEL L.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S121500

NAJAR (FREDY) ON H.C.
Petition for writ of habeas corpus denied

S121504

HUNTER (DAVID) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S121509

WALKER (CALVIN) ON H.C.
Petition for writ of habeas corpus denied

S122149

GOVIND (DANIEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S122615

LOPEZ (JOSE LUIS) ON H.C.
Petition for writ of habeas corpus denied

S122719

MOULTON (ROBERT DALE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304.)

S122729

O'BRIEN (DAVID J.) ON H.C.
Petition for writ of habeas corpus denied

S122732

EMANUEL (LLOYD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dixon* (1953) 41 Cal.2d 756.)

S122748

HARRIS (ARTHUR) ON H.C.
Petition for writ of habeas corpus denied

S122789

DAVIS (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S122989

WINKFIELD (MARVIN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Wessley W.* (1981) 125 Cal.App.3d 240, 246.)

S123164

GALLAS (CHRISTOPHER S.) ON H.C.
Petition for writ of habeas corpus denied

S123175

CLARK (THOMAS) ON H.C.
Petition for writ of habeas corpus denied

S125222

ROTHWEILER (SCOTT A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S125326

LOMELY (JESUS) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S125327

LACKEY (CLINT) ON H.C.
Petition for writ of habeas corpus denied

S125328

CURNUTTE (JERRY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S125353

GARCIA (ALEXANDER) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S125362BRYANT (ERIC B.) ON H.C.
Petition for writ of habeas corpus denied(See *In re Clark* (1993) 5 Cal.4th 750.)**S125423**SWADENER (LARRY W.) ON H.C.
Petition for writ of habeas corpusand request for stay denied. (See *In re Lessard*
(1965) 62 Cal.2d 497, 503; *In re Dixon* (1953)
41 Cal.2d 756.)**S123408**A093927 First Appellate District,
Division ThreePEOPLE v. ALLEN
Depublication request denied (case closed)**S124106**

C044320 Third Appellate District

HARRISON v. WELCH
Depublication request denied (case closed)**S124180**B165133 Second Appellate District,
Division SevenGEDDES v. CAMPBELL
Publication request denied (case closed)**S124611**A091787 First Appellate District,
Division FourJACKSON PLAZA HOMEOWNERS ASSOC. v.
ALCAL ROOFING & INSULATION
Publication request denied (case closed)**S125074**

F040814 Fifth Appellate District

ASH v. HARVESTING
Publication request denied (case closed)

Baxter, J., was recused and did not participate.

S125083B161761 Second Appellate District,
Division EightSCHOOLS EXCESS LIABILITY FUND v.
WESTCHESTER FIRE INS. CO.
Depublication request denied (case closed)**S114285**D038550 Fourth Appellate District,
Division OnePEOPLE v. CASPER
Time extended to consider modification or rehearing
to September 1, 2004.

S124218

D038856 Fourth Appellate District,
Division One

PARDEE CONSTRUCTION v. JELD-WEN, INC.
Time extended to grant or deny review

to July 28, 2004

S124345

B172885 Second Appellate District,
Division Six

CHAVEZ v. WCAB (DMV)
Time extended to grant or deny review

to July 23, 2004.

S124373

B174182 Second Appellate District,
Division Three

LIU v. S.C. (WU)
Time extended to grant or deny review

to July 23, 2004.

S124465

F042031 Fifth Appellate District

ARMSTRONG PETROLEUM v. TRI-VALLEY OIL
AND GAS COMPANY
Time extended to grant or deny review

to July 28, 2004.

S124494

B162235 Second Appellate District,
Division Seven

DORE v. ARNOLD WORLDWIDE INC.
Time extended to grant or deny review

to July 29, 2004.

S124559

C046275 Third Appellate District

BANKS (PATRICK WILLIAM) ON H.C.
Time extended to grant or deny review

to August 3, 2004

S124578

E035602 Fourth Appellate District,
Division Two

THOMAS (PAUL ALLEN) ON H.C.
Time extended to grant or deny review

to August 4, 2004

S124579

E035610 Fourth Appellate District,
Division Two

ARMAS (ROSENDO DIAZ) ON H.C.
Time extended to grant or deny review

to August 4, 2004

S124599

E035725 Fourth Appellate District,
Division Two

CHAUDHRY (AHMID A.) ON H.C.
Time extended to grant or deny review

to August 4, 2004

S124694

F044922 Fifth Appellate District

JOHNSON (HERMAN THOMAS) ON H.C.
Time extended to grant or deny review

to August 6, 2004.

S124768

B163282 Second Appellate District,
Division Eight

PEOPLE v. FUCCI
Time extended to grant or deny review

to August 6, 2004

S124769

H027057 Sixth Appellate District

PATHAN (ATIK) ON H.C.
Time extended to grant or deny review

to August 9, 2004

S124770

A106094 First Appellate District,
Division One

VILLA (CESAR F.) ON H.C.
Time extended to grant or deny review

to August 11, 2004

S124774

A106254 First Appellate District,
Division One

MAPA (ALISI) ON H.C.
Time extended to grant or deny review

to August 9, 2004.

S124798

A102104 First Appellate District,
Division Five

SCHMIDT & GREEN, MARRIAGE OF
Time extended to grant or deny review

to August 12, 2004

S124863

F045371 Fifth Appellate District

THOMPSON (RODERICK K.) ON H.C.
Time extended to grant or deny review

to August 6, 2004

S024046

PEOPLE v. O'MALLEY (JAMES F.)

Extension of time granted

to August 20, 2004 to file appellant's opening brief. After that date, only two further extensions totaling 120 additional days will be granted. Extension is granted based upon Deputy State Public Defender Mark Hammond's representation that he anticipates filing that brief by 12/21/2004.

S027094

PEOPLE v. ELLIOT (MARCHAND)

Extension of time granted

to August 11, 2004 to file appellant's opening brief. Extension is granted based upon counsel Michael P. O'Connor's representation that he anticipates filing that brief by 8/11/2004. After that date, no further extension will be granted.

S058025

PEOPLE v. FOSTER (RICHARD D.)

Extension of time granted

to August 9, 2004 to file appellant's opening brief. After that date, only two further extensions totaling about 125 additional days will be granted. Extension is granted based upon counsel William D. Farber's representation that he anticipates filing that brief by 12/13/2004.

S058092

PEOPLE v. HARRIS (MAURICE)

Extension of time granted

to August 17, 2004 to file appellant's reply brief. After that date, only one further extension totaling about 60 additional days will be granted. Extension is granted based upon counsel Glen Niemy's representation that he anticipates filing that brief by 10/15/2004.

S058472

PEOPLE v. BENNETT (ERIC WAYNE)
Extension of time granted

to August 23, 2004 to file appellant's opening brief. After that date, only five further extensions totaling about 300 additional days will be granted. Extension is granted based upon counsel Tamara P. Holland's representation that she anticipates filing that brief by 6/22/2005.

S065877

PEOPLE v. LOPEZ, SERNA & TRUJEQUE
Extension of time granted

to August 23, 2004 to appellant LOPEZ to request correction of the record. The court anticipates that after that date, only one further extension totaling 60 additional days will be granted. Counsel is ordered to inform the Santa Clara County Superior Court and his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it. Counsel for appellant Bobby Lopez is ordered to serve a copy of the record correction motion on this court upon its filing in the superior court.

S070250

PEOPLE v. JOHNSON (MICHAEL)
Extension of time granted

to August 23, 2004 to file appellant's opening brief. After that date, only six further extensions totaling about 360 additional days will be granted. Extension is granted based upon counsel Anthony J. Dain's representation that he anticipates filing that brief by 8/18/2005.

S073596

PEOPLE v. LANCASTER (ANDREW)
Extension of time granted

to August 20, 2004 to file appellant's opening brief. Extension is granted based upon counsel Roger Teich's representation that he anticipates

filing that brief by 8/20/2004. After that date, no further extension will be granted.

S073597

PEOPLE v. LOPEZ (JUAN M.)
Extension of time granted

to August 24, 2004 to file appellant's opening brief. After that date, only four further extensions totaling about 230 additional days will be granted. Extension is granted based upon Deputy State Public Defender Arnold A. Erickson's representation that he anticipates filing that brief by 4/15/2005.

S118974

JORDAN (EDDIE THOMAS) ON H.C.
Extension of time granted

to July 23, 2004 to file Attorney General's informal response.

S123074

C042876 Third Appellate District

PEOPLE v. SMITH
Extension of time granted

to August 4, 2004 to file appellant's opening brief on the merits.

S077009

PEOPLE v. CARRASCO (ROBERT)
Counsel appointment order filed

Upon request of appellant for appointment of counsel, Robert R. Bryan is hereby appointed to represent appellant Robert Carrasco for both the direct appeal and related state habeas corpus/executive clemency proceedings in the above automatic appeal now pending in this court.

S082828

PEOPLE v. THOMAS (CORRELL)
Counsel appointment order filed

Upon request of appellant for appointment of counsel, Barry L. Morris is hereby appointed to represent appellant Correll Lamont Thomas for

the direct appeal in the above automatic appeal
now pending in this court.

S101836
D036144 Fourth Appellate District,
Division One

HARRIS, MARRIAGE OF
Request for judicial notice denied

The request for judicial notice filed on May 24,
2004, is denied.

S125668

SHAMBLIN v. SC (PEOPLE)
Transferred to CA 5

S125414

STATE BAR RULE 3-100
Rule adopted as modified

Pursuant to Business and Professions Code
section 6076, proposed rule 3-100, Rules of
Professional Conduct of the State Bar of
California, as adopted by the Board of
Governors and modified by the court as set forth
in the attachment hereto, is hereby approved, to
become effective July 1, 2004.
(Rule 3-100 attached to original order)

S120566

BUTZ, ACCUSATION OF
Petition denied

S121667

GEREN, ACCUSATION OF
Petition denied

S121706

HALE, ACCUSATION OF
Petition denied

S122129

BRANTLEY, ACCUSATION OF
Petition denied

S122223

KIRKHAM, ACCUSATION OF
Petition denied

SAN FRANCISCO

JUNE 23, 2004

1004

S122297

CLAIBORNE, ACCUSATION OF
Petition denied

S122329

CURTIS, ACCUSATON OF
Petition denied

S122383

ANNINO, ACCUSATION OF
Petition denied

S122399

BRAVO, ACCUSATION OF
Petition denied

S122415

BARNARD (DONALD DUANE), ACCUSATION OF
Petition denied

S122417

ANDERSON (RAYMOND), ACCUSATION OF
Petition denied

S122441

HILL, ACCUSATION OF
Petition denied

S122480

MOATAZEDI, ACCUSATION OF
Petition denied

S122530

MILTON, ACCUSATION OF
Petition denied

S122558

FREEMAN (KAREN), ACCUSATION OF
Petition denied

S122583

TERRY, ACCUSATION OF
Petition denied

S122586

MANCUSO, ACCUSATION OF
Petition denied

S123356

THOMPSON, ACCUSATION OF
Petition denied

S123641

EDEN, ACCUSATION OF
Petition denied

S123745

RIVERA, ACCUSATION OF
Petition denied

S122658

KITTRELL ON DISCIPLINE
Pet/writ of review denied; recommended discipline
imposed

Petition for writ of review DENIED.

It is ordered that **Bolden Bruce Kittrell, State Bar Number 40896**, be suspended from the practice of law in California for five years, that execution of that suspension be stayed, and that he be placed on probation for a period of five years on the conditions recommended by the Review Department of the State Bar Court in its opinion filed on November 18, 2003, including the condition that he be actually suspended from the practice of law for the first three years of probation and until he: (1) makes restitution to the State Bar's Client Security Fund in the sum of \$31,000, plus interest thereon at the rate of 10 percent simple interest per annum from the date of the payment by the Fund until repayment by respondent and statutory processing costs, representing the Fund's reimbursement of Czarine Hope James on account of the losses caused dishonestly by respondent; (2) makes restitution to Czarine Hope James in the sum of \$221,516.41, plus interest thereon at the rate of 10 percent simple interest per annum from November 21, 1994, until paid in full, and provides satisfactory proof of payment of such restitution to the State Bar's Office of Probation in Los Angeles; and (3) shows proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the

Standards for Attorney Sanctions for Professional Misconduct. Respondent is also ordered to take and pass the Multistate Professional Responsibility Examination within the period of his actual suspension and to provide satisfactory proof of his passage of that examination to the State Bar's Office of Probation in Los Angeles within that same time period. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S123706

MCDONOUGH ON DISCIPLINE
Recommended discipline imposed

It is ordered that **KEVIN CHRISTOPHER MCDONOUGH, State Bar No. 99944**, be suspended from the practice of law for three years and until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 27, 2004. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform

the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S123707

O'NEILL ON DISCIPLINE

Recommended discipline imposed

It is ordered that **WILLIAM O'NEILL, III, State Bar No. 69629**, be suspended from the practice of law for 90 days, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on January 16, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S123708

LIM ON DISCIPLINE

Recommended discipline imposed

It is ordered that **RICARDA LEE LIM, State Bar No. 137700**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that she be actually suspended from the practice of law for 90 days as recommended by the Hearing Department of the State Bar Court in its decision filed on January 29, 2004; and until the State Bar Court grants a motion to terminate her actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. **Ricarda Lee Lim** is also ordered to

comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating her actual suspension. If **Ricarda Lee Lim** is actually suspended for two years or more, she must remain actually suspended until she provides proof to the satisfaction of the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that **Ricarda Lee Lim** take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of her actual suspension, whichever is longer (see *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8) and furnish satisfactory proof of such to the State Bar's Office of Probation within said period, unless she has already taken, passed and furnished satisfactory proof of such passage to the Office of Probation as required by the conditions of her public reproof imposed in State Bar Court Case No. 02-O-11064. It is further ordered that **Ricarda Lee Lim** comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S123709

NOTHERN ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **W. THOMAS NOTHERN, State Bar No. 82542**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that

rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S123925

WEISENBERG ON DISCIPLINE

Recommended discipline imposed: disbarred

It is hereby ordered that **STEVEN L. WEISENBERG, State Bar No. 167838**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S123929

EASTER ON DISCIPLINE

Recommended discipline imposed

It is ordered that **STANLEY GLENN EASTER, State Bar No. 152632**, be suspended from the practice of law for 18 months, that execution of the suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 22, 2004, as modified by its order filed March 4, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-half of said costs must be added to and become part of the membership fees for the years 2005 and 2006. (Bus. & Prof. Code section 6086.10.)

S080623

IN THE MATTER OF THE SUSPENSION OF
ATTORNEYS PURSUANT TO RULE 962,
CALIFORNIA RULES OF COURT

GILBERT CLEMENTE ADAUTO, #112896, was listed by the State Department of Child Support Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate local Child Support agency. He has subsequently been identified by the Department of Child Support Services as again being delinquent. Pursuant to Rule 962(a) of the California Rules of Court, IT IS HEREBY ORDERED that GILBERT CLEMENTE ADAUTO, #112896, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after July 23, 2004;

IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate local Child Support agency pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

S099345

IN THE MATTER OF THE SUSPENSION OF
ATTORNEYS PURSUANT TO RULE 962,
CALIFORNIA RULES OF COURT
Orders filed (2)

- (1) HARI SHIVSHANKAR LAL, #141031, was listed by the State Department of Child Support Services as being in arrears in payment of

support obligations. He later obtained the necessary release from the appropriate local Child Support agency. He has subsequently been identified by the Department of Child Support Services as again being delinquent. Pursuant to Rule 962(a) of the California Rules of Court, IT IS HEREBY ORDERED that HARI SHIVSHANKAR LAL, #141031 be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after July 23, 2004;

IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate local Child Support agency pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

- (2) WILLIAM REYES, #170971, was listed by the State Department of Child Support Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate local Child Support agency. He has subsequently been identified by the Department of Child Support Services as again being delinquent. Pursuant to Rule 962(a) of the California Rules of Court, IT IS HEREBY ORDERED that WILLIAM REYES, #170971, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after July 23, 2004;

IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a

release issued by the appropriate local Child Support agency pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

S117527

IN THE MATTER OF THE SUSPENSION OF
ATTORNEYS PURSUANT TO RULE 962,
CALIFORNIA RULES OF COURT

RONALD L. MILLER, #111817, was listed by the State Department of Child Support Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate local Child Support agency. He has subsequently been identified by the Department of Child Support Services as again being delinquent. Pursuant to Rule 962(a) of the California Rules of Court, IT IS HEREBY ORDERED that RONALD L. MILLER, #111817, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after July 23, 2004;

IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate local Child Support agency pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

Bar Misc. 4186

IN THE MATTER OF THE APPLICATION OF THE
COMMITTEE OF BAR EXAMINERS OF THE
STATE BAR OF CALIFORNIA FOR ADMISSION
OF ATTORNEYS

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:
(LIST OF NAMES ATTACHED TO
ORIGINAL ORDER)

